

EXHIBIT A

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF PENNSYLVANIA**

**IN RE: AVANDIA MARKETING, SALES
PRACTICES AND PRODUCTS LIABILITY
LITIGATION**

**MDL No. 1871
07-MD-01871-CMR**

**THIS DOCUMENT RELATES TO
Case No.: 2:10-CV-01637-CMR**

COUNTY OF SANTA CLARA. etc. et al..

Plaintiff,

vs.

SMITHKLINE BEECHAM CORPORATION d/b/a
GLAXOSMITHKLINE.

Defendant.

**DECLARATION OF PAUL R. KIESEL IN SUPPORT OF APPLICATION TO BE
APPOINTED LEAD COUNSEL FOR THE GOVERNMENTAL ENTITY PLAINTIFFS**

I, PAUL R. KIESEL, declare and state as follows:

1. I am an attorney licensed to practice law before all courts of the State of California and the District of Columbia and am a partner in the law firm of Kiesel, Boucher & Larson, LLP ("KBL"), attorneys of record for plaintiff County of Santa Clara. Individually, and on behalf of the People of the State of California in this matter. I have personal knowledge of the following facts and, if called as a witness, could and would competently testify thereto.

2. I respectfully apply for appointment to serve as lead counsel for the Governmental Entity plaintiffs in this matter. I have held extensive leadership positions over the course of my twenty-five [25]-year career, including, but not limited to, the following:

- In 1995, I was appointed co-lead counsel in *In re Rio Hair Naturalizer Products Liability Litigation*, MDL 1055 (E.D. MI), in which a hair straightening product injured over 50,000 plaintiffs. The matter resolved successfully as a limited fund, non-opt-out class action.
- I was a member of the Plaintiffs' Steering Committee in *In re Packard Bell Consumer Certified Class Action Litigation*, Case No. BC 125671 (Los Angeles County Superior Court), a product defect case that resolved successfully in 1995.
- In 1996, I was appointed Chair of the Allocation Committee in *In re Unocal Refinery Litigation*, Case No. C94-0414. I was responsible for developing a methodology and plan of allocation for an \$80 million settlement on behalf of approximately 1,500 plaintiffs. The litigation involved the toxic contamination of several communities.
- In 1999, I was appointed lead counsel in *Zachary et al. v. ARCO et al.*, Case No. BC 209944 (Los Angeles County Superior Court), which resulted from a mass toxic tort oil pipeline rupture, and which resolved successfully.
- I was also appointed lead counsel in 1999 in *Serrano v. City of Los Angeles*, Case No. BC 144230 (Los Angeles County Superior Court), multi-fatality products liability litigation that led to an \$8.2 million settlement.
- I was a member of the Plaintiffs' Steering Committee in 2000 in *In re Wholesale Electricity Antitrust Cases I & II*, JCCP 4204-00005 and 4204-00006, in which the plaintiffs sought to recover damages from energy traders for unfair business practices.
- I was also appointed lead counsel in 2000 in *Pilkington v. U.S. Search.com*, Case No. BC234858 (Los Angeles Superior Court), which involved a technically flawed online search facility that purported to provide adoptees and their biological parents with information about one another upon demand.
- In 2001, I was appointed lead counsel in *In re Galvanized Steel Pipe Litigation*.

Case No. BC 174649 (Los Angeles Superior Court), a class action involving construction defects that resolved successfully for \$41 million.

- In 2001, I was appointed lead counsel in *Silver v. Del Webb*, Nevada Case No. A437325, a certified class construction defect suit involving the installation of faulty plumbing systems in new homes. The litigation resulted in a \$21 million settlement.
- Also in 2001, I was appointed lead counsel in *Black v. Blue Cross*, Case No. BC 250339 (Los Angeles Superior Court), a certified class action against a health insurer for improper mid-year contract modifications which led to a \$22.5 million settlement.
- Beginning in 2002, KBL served as lead plaintiffs' liaison counsel in *The Clergy Cases I, II, & III* California JCCP 4286, 4297 and 4359, representing many individuals and their families in litigation involving significant personal injury claims as well as hundreds of victims of molestation at the hands of Catholic priests. The cases resulted in settlements totaling approximately \$1 billion.
- I served as plaintiffs' liaison counsel in 2002 in *In re Northridge Earthquake Litigation*, handling numerous coverage lawsuits against State Farm Insurance, 21st Century Insurance, Farmers Insurance, and USAA Insurance Company that resolved successfully.
- I was appointed lead counsel in 2002 in *Mikhail v. Toshiba America Incorporated*, Case No. BC278163 (Los Angeles Superior Court), a class action brought to recover for the distribution of faulty computers. The litigation resolved with class members eligible to receive up to \$50 million. Moreover, I was counsel for the plaintiffs in 2003 in *Anderson v. Toshiba America*, Case No. BC299977 (Los Angeles Superior Court), a class action alleging product defects that resolved successfully. I was also lead counsel in 2004 in *Kan v. Toshiba America, Inc.*, Case No. BC327273 (Los Angeles Superior Court), a class action

brought to recover for the distribution of faulty computers which resolved with class members eligible to receive up to \$36 million.

- Also in 2002, I was appointed lead counsel in *Abrica v. Tosco et al.*, Case No. BC239882 (Los Angeles Superior Court), which involved a mass tort toxic refinery fire, and which resolved successfully.
- In 2003, I was appointed co-liaison counsel for the plaintiffs in *In re Diet Drug Litigation*, California JCCP 4032. The litigation involved claims arising out of the use of the diet drug Phen-Fen and resulted in a confidential settlement.
- In 2004, KBL was appointed lead counsel in *In re Transient Occupancy Tax Cases*, JCCP 4472, representing the City of Los Angeles in a class action on behalf of all cities in the state of California to recover unremitted occupancy taxes from certain online travel companies.
- I was appointed lead counsel in a set of privacy class actions involving the recording of telephone conversations without consent in violation of the California Penal Code. These included, in 2005, *Raymond v. Carsdirect.com*, Case No. BC256282 (Los Angeles Superior Court) (settled) and, in 2006, *Greenberg v. E-Trade Financial Corporation*, Case No. BC360152 (Los Angeles Superior Court) (settled). These also include *Mount v. Wells Fargo Home Mortgage, Inc.*, Case No. BC 395959 (Los Angeles Superior Court) (ongoing); *Hopkins v. HealthMarkets*, Case No. BC404133 (Los Angeles Superior Court) (ongoing); and *Coleman v. First American Home Buyers Protection Corp.*, Case No. BC420436 (Los Angeles Superior Court) (ongoing).
- In 2006, I represented the plaintiffs in *In re The Securitas Security Services*, JCCP 4460, a class action to recover for violations of California labor laws. The litigation resolved successfully.
- Also in 2006, I was a member of the plaintiffs' steering committee in *Draucker Development and True Communication, Inc. v. Yahoo!, Inc.*, Case No. CV06-2737 JFW (Rcx) (C.D. Cal.), in which advertisers sought to recover from an

online search engine for breach of contract and unfair business practices.

- I was appointed lead counsel in 2006 in *Algario et al. v. Eli Lilly and Company et al.*, Lead Case No. BC347855 (Los Angeles Superior Court), a class action to recover for injuries resulting from ingestion of the medication Zyprexa.
- In 2007, I was appointed co-lead counsel in *In re Hilton Hotels Corporation Shareholder Litigation*, Case No. BC373765 (Los Angeles Superior Court), a class action in which Hilton shareholders sought to block a proposed merger with the Blackstone Group.
- I became a member of the plaintiffs' steering committee in 2007 in *In re Vioxx Cases*, California JCCP 4247, which sought to recover for injuries and deaths resulting from use of the drug Vioxx.
- In 2008, I was appointed co-lead counsel in *In re: Pellicano Cases*, Lead Case No. BC316318 (L.A.S.C.), which involves wiretapping in violation of the California Penal Code.
- In 2008, I was appointed plaintiffs' liaison counsel in the *Chatsworth Metrolink Collision Cases*, Lead Case No. PC043703 (L.A.S.C.), coordinated cases brought to recover for deaths and injuries resulting from a massive train collision.
- In 2009, KBL was appointed co-lead counsel in *American Medical Association et al. v. Wellpoint, Inc.*, MDL 09-2074 (C.D. Cal.), in which physicians and physician groups seek to recover payments for treatment that they provided to certain of their medical patients.
- I was recently appointed co-liaison counsel in the *Yaz, Yasmin and Ocella Contraceptive Cases*, JCCP 4608, which arises from injuries and deaths that occurred after ingesting certain oral contraceptives.

3. I am the lead attorney from KBL in the instant litigation. I received my Juris Doctor degree with distinction from the Whittier College School of Law in 1985. I am rated A.V. by Martindale-Hubbell. The Los Angeles Daily Journal has named me one of the 100 most influential attorneys in the State of California several times. The Los Angeles Business Journal

has recognized me as one of its "Top 50 Trial Lawyers." Most recently, Los Angeles Magazine named me one of the top 100 Super Lawyers in Southern California, and Lawdragon named me one of the 500 leading lawyers in America.

4. I have held positions of leadership in the Los Angeles County Bar Association ("LACBA") since 2008, and am presently an Associate Vice President on LACBA's Executive Committee. In 2009 I served as the Chair of LACBA's Litigation Section. I served on the Board of Governors of the California and Los Angeles Trial Lawyers Associations, now the Consumer Attorneys Association of California and of Los Angeles. After serving on each board for more than ten years, I was elected an Emeritus Board Member of both organizations. I sat on the Board of Governors of the Association of Business Trial Lawyers (ABTL) between 2001 and 2005.

5. I am an author of two legal treatises for Lexis-Nexis. P. KIESEL, P. LICHTMAN, E. MATTHAI, R. SEABOLT, CALIFORNIA PRETRIAL CIVIL PROCEDURE (2003); P. KIESEL, P. LICHTMAN, E. MATTHAI, R. SEABOLT, E. GRILLO, CALIFORNIA CIVIL DISCOVERY (2003). I am a member of the Lexis-Nexis California Advisory Board. I also write a quarterly technology column for the Los Angeles Daily Journal.

6. In 2007, Chief Justice Ronald George appointed me to serve on the Judicial Council Small Claims & Civil Advisory Board, a rulemaking body for California courts on which I continue to serve.

7. Governor Gray Davis appointed me in 2003 to the Employment Training Panel, whose six members were responsible for distributing approximately \$100 million annually for employee training.

8. I received the Presidential Award for Outstanding Contribution to the trial bar from the Los Angeles Trial Lawyers Association (now the Consumer Attorneys Association of Los Angeles) in 1991, and the Presidential Award of Merit from the California Trial Lawyers Association (now the Consumer Attorneys of California) in 1993.

9. I am a frequent presenter at continuing legal education programs. I have

delivered over one hundred continuing legal education presentations to various organizations, including the Los Angeles County Bar Association, Consumer Attorneys of California, Consumer Attorneys Association of Los Angeles, Association of Southern California Defense Counsel, Orange County Bar Association, Pepperdine Law School, Mealey's, the Los Angeles Daily Journal, and Glasser Legal Works.

10. I have sat on the Los Angeles Superior Court Bench & Bar Committee since 2000. Additionally, I have sat on the Los Angeles Superior Court Alternative Dispute Resolution Panel since 1991. I have been a member of the Los Angeles Superior Court Complex Litigation Court Bench & Bar Committee since 2001, and I chaired the Committee between 2005 and 2007.

11. Between 1995 and 1997, I was an Alumni Trustee of Whittier College of Law. From 1997 to 2000 I was a member of the Whittier College of Law Board of Trustees. From 1992 through 1999 I was a member of the College's Board of Visitors, and served as Vice-Chair of the Board of Visitors from 1993 to 1995. I was named Whittier College School of Law's Alumnus of the Year in 1994, and received an honorary Doctor of Law degree from the College in 2005.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and that this declaration was executed on July 14, 2010 in Beverly Hills, California.



PAUL R. KIESEL

EXHIBIT B

Declaration of John T. Boundas

1. My name is John T. Boundas. I am over the age of 18 years, I am of sound mind, in all respects legally competent to make this declaration, and I have personal knowledge of the statements made herein. I am an attorney duly licensed in, and in good standing with, the States of Texas, Pennsylvania and Illinois.


2. I submit this Declaration pursuant to PTO 103. in support of my application to the Plaintiffs' Steering Committee and as Co-Lead Counsel for Governmental Entities.

3. I am a partner with the law firm of Williams, Kherkher, Hart and Boundas. LLP, based in Houston, Texas. To briefly summarize my professional experience: I graduated first in my class from the University of Iowa College of Law in 1995. Following law school (after an internship with the U.S. Department of Justice), I clerked for the Honorable Milton I. Shadur in the U.S. District Court for the Northern District of Illinois, in Chicago. I then joined the law firm of Fulbright and Jaworski, LLP, where I worked on a wide variety of cases until 2001, when I left to join my current firm.

4. Since late 2001, I have spent the majority of my time representing individuals injured by prescription drugs. Our firm has represented thousands of clients in cases against many of the biggest names in corporate America (Phillip Morris, BP, Wyeth, Merck, and GlaxoSmithKline to name a few). For example, our firm, with others, successfully represented the State of Texas in its lawsuit against the tobacco industry.

5. We have been a leader in holding pharmaceutical companies accountable when they injure consumers, and we have handled literally thousands of cases against prescription drug manufacturers across the country. We actively litigate and try these cases. For example, our attorneys have tried over a dozen pharmaceutical cases in the past several years. Our firm has extensive experience handling cases against pharmaceutical companies and we have been a leading law firm in many nationwide mass tort litigations, including Fen-phen (where I believe our firm tried more cases than any firm in the country), Vioxx and other litigations.

6. My firm, along with others, has been retained by the County of Santa Clara, California to assist in prosecuting on the County's behalf, and on behalf of the people of the State of California, claims against GlaxoSmithKline for its false and deceptive marketing of Avandia. Therefore, I am requesting appointment to the PSC in order to assist in the litigation and in particular on the issues that are unique to our case. I believe that my and my firm's reputation for having the resources, expertise, experience and determination to litigate and try cases, will contribute substantially to the overall effort in the Avandia litigation.


John T. Boundas

